

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

No. 18-CR-20027-JTF

SHUNTARIO JOHNSON,

Defendant.

REPORT AND RECOMMENDATION ON DEFENDANT'S MOTION TO SUPPRESS

Before the Court is Defendant Shuntario Johnson's Motion to Suppress the pretrial identification made by Ricky Stevenson. (D.E. #216). Defendant's Motion was filed on July 18, 2019. A response to the Motion was filed by the United States on July 25, 2019. (D.E. # 218) and the motion was referred by District Judge John T. Fowlkes for report and recommendation on August 20, 2019 (D.E. #238). A hearing on the Motion was held on August 30, 2019, at which time the Court heard the testimony of witnesses and statements of counsel.

Based upon the evidence presented and for the reasons stated in open court on August 30, 2019, it is recommended that defendant's Motion to Suppress evidence be DENIED. A transcript of the Court's oral ruling (D.E. # 253) will serve as written proposed findings of fact and recommended conclusions of law.

Signed this 4th day of September, 2019.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.